



*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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**SPECIAL USE PERMIT CERTIFICATE**

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit	#2018-0047
Approved by Planning and Zoning:	June 25, 2018
Permission is hereby granted to:	Eat Augie's, LLC
to use the premises located at:	1106 King Street
for the following purpose:	see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

6/25/2018

Date

Karl Moritz, Director  
Department of Planning and Zoning

DATE: June 25, 2018

TO: Mary Christesen, Acting Division Chief  
Department of Planning and Zoning

FROM: Madeleine Sims, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-0047  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: Eat Augies, LLC  
Location: 1106 King Street  
Zone: KR / King Street Retail

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### **Request**

Special Use Permit #2018-0047 is a request to change ownership of an approved restaurant from 1106 Steak, LLC to Eat Augies, LLC. The previous restaurant, Hunting Creek Steak, was approved for 108 indoor seats on two floors with operating hours of 7 a.m. – 1 a.m., daily, indoor limited live entertainment and on-premises alcohol sales. The restaurant also features 45 outdoor seats with operating hours of 11:30 a.m.- 10 p.m. Sunday through Thursday and 11:30 a.m. to 11 p.m., Friday and Saturday. No changes to the operation are proposed and the business would operate under the name Augie's.

### **Background**

A restaurant has operated at this location since 1985. Le Gaulois, a French restaurant, operated here for many years until it closed in 2009. Although actively marketed as a potential restaurant use, the space remained vacant until approximately December 2012, when Notting Hill Restaurant opened following administrative approval of a change of ownership (SUP#2012-0068).

In early 2013, City staff observed both BAR-related and Code-related violations at the new restaurant. In May 2013, Planning & Zoning staff received complaints about loud music coming from the business. Upon inspection, staff found evidence of noise, parking and several other violations of the Special Use Permit conditions. The restaurant owner corrected some of these violations promptly, while other violations continued and necessitated the issuance of tickets with monetary fines. The owner also attempted to address certain violations by applying for amendments to his existing Special Use Permit.

SUP#2013-0074 was a request to entirely eliminate the off-street parking requirement for the use (Condition #7), to allow outdoor live entertainment, to allow outdoor loudspeakers, and to allow after-the-fact approval of a bar that the owner had installed without permits in the outdoor dining area. In December 2013, City Council approved the SUP only for a reduction in the number of parking spaces required from 33 down to 15. It did not entirely eliminate the off-street parking condition, as requested, and also denied the music-related and outdoor bar requests.

Following approval of SUP#2013-0074, staff issued two notices of violations in April 2014 to the owner of Notting Hill for several SUP violations, including his not providing the required number of off-street parking spaces and not removing loudspeakers and the outdoor bar as required in newly-included Conditions #42 and #43 of SUP#2013-0074. Although the loudspeakers were eventually removed, other SUP violations were not corrected by early June 2014, when Notting Hill permanently closed for business.

In December 2014, staff administratively approved SUP#2014-0119, to change ownership of the restaurant from Notting Hill Restaurant and Bar, LLC to 1106 Steak, LLC. In 2017, a Zoning Inspector issued a warning citation for violations of Conditions #3 for outdoor dining seats, #11 for exceeding approved hours of operation for outdoor dining, and #20 for failure to provide off-street parking advertising. All violations were abated immediately. The restaurant closed in Spring 2018. As the restaurant SUP has been inactive for less than a year, the applicant was eligible to apply for this change of ownership.

### **Parking**

The subject property is located within the Central Business District (CBD). Restaurants located within the CBD are exempt from parking requirements pursuant to Section 8-300(B) of the Zoning Ordinance. However, Condition #7 of the existing SUP has been carried forward and requires the applicant to provide 15 off-street parking spaces for the use. The applicant indicated that the required 15 spaces would be provided in the parking garage at 1101 King Street.

### **Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Old Town Civic Association was sent an e-mail with information about the current application. Staff has not received any comments from the public regarding this request.

### **Staff Action**

Staff supports the change of ownership and notes that this request fills a vacant tenant space in Old Town. Though many violations have occurred on this site with a restaurant use, staff believes that under new ownership, compliance with the conditions will mitigate impacts on the adjacent areas. Staff has carried forward SUP conditions and updated condition language for consistency with current standards.

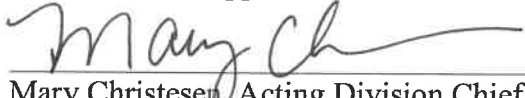
Staff has amended Condition #2 (indoor seats), #3 (outdoor seats), #4 (indoor hours), #13 (alcohol sales) and Condition #17 (noise mitigation) to reflect modern standard condition language. Condition #22 was amended to reflect a new review date by staff. Staff deleted Condition #26 and replaced it with Conditions #45, #46 and #47, which relate to employees' use of public transportation and use of off-street parking, respectively. Staff has also included Condition #28, a standard condition pertaining to the design of outdoor dining when visible from the public right of way.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: 06/25/2018

Action: Approved

  
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Mary Christesen, Acting Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT #2018-0047**

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #1817)
2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats shall be 108. Seating shall be provided inside for no more than 108 patrons. (P&Z) (SUP #96-0020)
3. **CONDITION AMENDED BY STAFF:** The maximum number of outdoor dining seats on the patio to the west of the building shall be 45. Outside dining facilities shall be provided for no more than 45 patrons on the patio to the west of the building. Additional outdoor dining seats may be provided in front of the restaurant subject to the review and approval of the Director of Planning & Zoning through the King Street Outdoor Dining program. (P&Z) (SUP#2012-0068)
4. **CONDITION AMENDED BY STAFF:** Indoor hours of operation shall be limited to between 7 a.m. – 1 a.m. daily. For indoor seating, meals ordered before 1 a.m. may be served, but no new patrons may be admitted and no new alcoholic beverages may be served after 1 a.m., and all patrons must leave by 2 a.m. (P&Z) (SUP#2013-0074)
5. Trash and garbage shall be stored inside or in dumpsters which are fully enclosed within a refrigerated storage container at the rear of the property. Trash and garbage shall only be removed from the storage container for the purposes of collection and cleaning. (King Henry Court Owners Association) (SUP #96-0020)
6. Condition deleted. (SUP #96-0020)
7. The applicant shall provide a minimum of 15 off-street parking spaces primarily for restaurant employees, to the satisfaction of the Director of Planning and Zoning. The applicant shall also provide and maintain a written agreement for the 15 off-street parking spaces to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services. (P&Z) (PC) (SUP#2013-0074)
8. There will be no through vehicular traffic via the alley from Fayette Street. (PC) (SUP #1817)
9. Condition deleted by staff. (P&Z) (SUP #2006-0107)
10. Live entertainment shall be permitted only to provide background ambient music to restaurant patrons during the hours of 9:00am to 1:00am. Live entertainment shall be limited to inside the restaurant building only, and shall not be permitted in any outdoor

seating area. Advertising that features entertainment as a destination is prohibited. No admission or cover fee shall be charged. (PC)(P&Z) (SUP#2013-0074)

11. The hours of operation for the outdoor dining area shall be limited to 11:30 A.M. to 10:00 P.M. Sunday through Thursday, and limited to 11:30 A.M. to 11:00 P.M. Friday and Saturday. No meals may be served in the outdoor patio area after 9:30 P.M. Sunday through Thursday and after 10:30 P.M. Friday and Saturday and the patio shall be closed and cleaned by 10:00 P.M. Sunday through Thursday and 11:00 P.M. Friday and Saturday. (P&Z) (PC) (SUP#2012-0068)
12. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #96-0020)
13. **CONDITION AMENDED BY STAFF:** On-premises alcohol sales are permitted. ~~Alcoholic beverages may be sold for on-premises consumption only.~~ (P&Z) (SUP #96-0020)
14. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #96-0020)
15. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (T&ES) (SUP #96-0020)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #96-0020)
17. **CONDITION AMENDED BY STAFF:** The use must comply with the City's Noise Ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no music or amplified sound shall be audible at the property line. (T&ES) (P&Z) (SUP#2013-0074)
18. Condition deleted by staff. (P&Z) (SUP #2006-0107)
19. Condition deleted. (City Council) (SUP#2002-0079)
20. The applicant shall (a) advertise the availability of off-street parking by including such notice in any advertising; (b) urge patrons who drive to use the space; and (c) post signs at the restaurant directing patrons to the availability of such parking. (P&Z) (SUP #96-0020)
21. Condition deleted by staff. (P&Z) (SUP #2006-0107)
22. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year from approval and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately,

constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP#2014-0119)

23. Condition deleted by staff. (P&Z) (SUP #2006-0107)
24. The wooden door shall be kept closed at all times while the outdoor dining area is open, except for purposes of taking deliveries during daylight hours. (King Henry Court Owners Association) (SUP #2006-0107)
25. The applicant shall control cooking odors, smoke, and any other air pollution from operations at the site and prevent them from leaving the property, or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP#2013-0074)
26. **CONDITION DELETED AND REPLACED WITH CONDITIONS 46 AND 47:**
27. The applicant shall conduct employee training session on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and to provide instruction preventing underage sales of alcohol. (P&Z) (SUP#2004-0037)
28. The applicant shall submit a seating plan that accurately reflects the conditions at the site along with the proposed seating arrangement. (Code Enforcement) (SUP#2004-0037)
29. A clear, unobstructed path measuring no less than 44 inches is required to be maintained from the building exit, through the courtyard to the approved exits to the public way. The pathway shall remain clear of tables, chairs and planters at all times. The approved pathway shall be designated by the applicant and approved by the Director of Code Enforcement. (Code Enforcement) (SUP#2004-0037)
30. A secondary exit from the courtyard shall comply with the USBC, remain free of obstructions and be properly illuminated at all times. The aforementioned shall include the exit door, pathway to the alley, and the alley leading to the public way. (Code Enforcement) (SUP#2004-0037)
31. Front gates of the courtyard shall remain unlocked and held in the open position at all times the building is occupied. (Code Enforcement) (SUP#2004-0037)
32. Any encroachment from any other structure that impacts the courtyard, requires a new review of the courtyard seating shall be revisited for compliance with the USBC. (Code Enforcement) (SUP#2004-0037)
33. Condition deleted by staff. (SUP#2012-0068)

34. Condition deleted by staff. (SUP#2012-0068)
35. Condition deleted by staff. (See Condition #4) (SUP#2013-0074)
36. Condition deleted by staff. SUP#2012-0068)
37. The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Study. (P&Z) (SUP#2006-0107)
38. Condition deleted by staff. (SUP#2013-0074)
39. Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2008-0063)
40. No delivery of food or beverages to customers shall be offered from the restaurant. (P&Z) (SUP#2013-0074)
41. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP#2013-0074)
42. Condition deleted by staff. (SUP#2014-0119)
43. Condition deleted by staff. (SUP#2014-0119)
44. **CONDITION ADDED BY STAFF:** All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
45. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (P&Z)
46. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (P&Z)



47. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. (P&Z)
48. **CONDITION ADDED BY STAFF:** The design of the outdoor dining areas and all its components must comply with the King Street Outdoor Dining guidelines. Any outdoor seating areas, including umbrellas, shall not include advertising signage. The applicant shall submit illustrations and specifications to the Director of Planning & Zoning for review and approval. (P&Z)

SUP#2018-0047  
1106 King Street

### STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0047. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1106 King Street.

  
\_\_\_\_\_  
Applicant - Signature

JUSTIN A. SPARROW  
\_\_\_\_\_  
Applicant - Printed

6/26/18  
\_\_\_\_\_  
Date

6/26/18  
\_\_\_\_\_  
Date